

EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

WIPRO, LLC,)
Plaintiff,) Case No. 4:22-CV-03116
v.)
FIRST DATA GOVERNMENT)
SOLUTIONS, LP,)
Defendant.)
)

**AFFIDAVIT OF
MELISSA R. ALPERT IN SUPPORT OF
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT FOR FAILURE TO STATE
A CLAIM**

STATE OF Pennsylvania)
) ss
COUNTY OF Allegheny)

I, Melissa R. Alpert, being first duly sworn upon oath, hereby depose and state as follows:

1. I am over eighteen years of age, and I am competent to testify regarding and have personal knowledge of the matters set forth in this affidavit

2. I am an attorney admitted *pro hac vice* to practice law in the United States District Court for the District of Nebraska.

3. I am one of the attorneys representing Defendant First Data Government Solutions, LP ("First Data") regarding its defense of the claims brought against it by Plaintiff Wipro, LLC ("Wipro").

4. This is an action brought by Wipro against First Data for alleged tortious interference with business relationship and prospective economic advantage. *See* Dkt. 11.

5. First Data is filing simultaneously herewith a Motion to Dismiss Plaintiff's Complaint for Failure to State a Claim, and a Brief in Support of its Motion.

6. The following exhibits are being offered to support First Data's Motion to Dismiss Plaintiff's Complaint for Failure to State a Claim:

- **Exhibit A to Defendant's Evidence Index:** A true and correct copy of the Amended Complaint filed in *Wipro Ltd. v. State of Nebraska*, Case No. CI 19-676, Transaction ID 0014571246 (Neb. D. Ct. Lancaster Cty. Oct. 26, 2021).
- **Exhibit B to Defendant's Evidence Index:** A true and correct copy of the Order entered by the state court in *Wipro Ltd. v. State of Nebraska*, Case No. CI 19-676, Transaction ID 002035744D02 (Neb. D. Ct. Lancaster Cty. Apr. 1, 2021).

7. These documents are true and correct copies of pleadings in *Wipro Ltd. v. State of Nebraska*, Case No. CI 19-676 (Neb. D. Ct. Lancaster Cty.). These documents were pulled directly from the state court's docket and were not altered in any way.

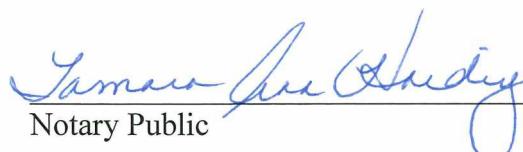
8. These documents are public records, of which the court can take judicial notice. *See Tepper v. Talent Plus, Inc.*, 561 F. Supp. 3d 846, n.1 (D. Neb. 2021) ("On a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6), the Court may consider materials that are part of the public record or do not contradict the complaint, and materials that are necessarily embraced by the pleadings.").

FURTHER AFFIANT SAYETH NOT.



Melissa R. Alpert

SUBSCRIBED AND SWORN to before me this 23 day of August, 2022.



Tamara Ann Harding
Notary Public

